

2005-2006 Annual Report
Kentucky Board of Medical Licensure
Danny M. Clark, M.D., President

Rapid changes in technology and science are permanently changing the face of healthcare in Kentucky. The development of innovative medical products and procedures are vastly improving the quality of life for many Kentuckians and are revolutionizing the practice of medicine and osteopathy. At the same time health care is witnessing these rapid advancements, Kentucky patients are also becoming better informed and empowered. Patients are active participants in their medical care and demand accountability for the quality of care received.

It is in this environment that the Kentucky Board of Medical Licensure contributes to public safety of the Commonwealth by ensuring that medical and osteopathic physicians abide by acceptable standards of professional conduct. The Board also is responsible to the public safety of the Commonwealth for other health care professions such as physician assistants, athletic trainers, and surgical assistants.

The Board is presently made up of fifteen members, consisting of seven medical physicians who are in private practice, one osteopathic physician, three consumer at large representatives, the deans of the state's three medical/osteopathic schools and the Commissioner of Public Health for the Cabinet for Health and Family Services. No changes were made to the composition of the Board during the past year, with Linda A. Mumford, M.D., of Owensboro, receiving reappointment for another full term.

The full Board met on a quarterly basis and reviewed applications for medical and osteopathic licensure. In total, the Board considered 1,279 initial applications for various licenses to practice in the state. As a result, 698 new medical licenses were granted and 67 osteopathic licenses were issued. The Board also issued 609 temporary permits to practice in the state and issued 183 residency training licenses, 49 institutional training licenses, and 9 fellowship training licenses. The Board also certified 59 new physician assistants, 36 new athletic trainers and 57 surgical assistants for fiscal year 2006.

In addition to the licensing and regulation of physicians, the Board is also responsible for reviewing and investigating all grievances filed against these individuals. The Board reviews grievances of professional misconduct, moral turpitude and practice irregularities, which may include the inappropriate prescribing of controlled substances. The primary sources of the Board's grievances come from consumers, hospitals, government agencies, physicians and healthcare professionals. After the grievance is reviewed and thoroughly

investigated, it is presented to a Board Inquiry/Hearing Panel for review. If the matter cannot be resolved through an informal process, the matter may be referred to a formal hearing to determine the facts, and whether disciplinary action is warranted.

A major aspect of the Board's investigative process continues to be the utilization of physician consultants for reviewing medical records to evaluate the competency of physicians against whom complaints have been filed. All consultants are board certified by an approved United States specialty board. The service these physicians provide to the Commonwealth is invaluable. The Board's consultants review patient records and provide recommendations pertaining to compliance with standards of care. While these individuals receive only minimal compensation, they perform an extremely valuable function for their profession and the Board is very grateful for their assistance.

This year, the Board's Inquiry/Hearing Panels met 11 times and reviewed 193 grievances, which included 117 investigative reports. As a result, formal disciplinary action was initiated against 36 physicians' licenses. During the year 14 licenses were surrendered, 25 licenses restricted, 8 licenses revoked, 6 licenses suspended and 2 licenses placed on probation. The Board currently has 255 physicians' licenses under some form of Order and another 45 are under a Letter of Agreement with the Kentucky Physicians Health Foundation.

One major issue that faced the medical community, not only in Kentucky, but also throughout the nation, was the response to devastation of Hurricane Katrina. In an effort to assist displaced physicians due to the Hurricane, the Board implemented its plan pursuant to statutory provisions provided in KRS 311.660(2)(a). The Board extended this provision to physicians displaced who held a current license in good standing in Louisiana, Mississippi, or Alabama. The registration was restricted to 90 days and there was no fee involved. In addition, the registration also restricted the physician's practice to a licensed health care facility or in collaboration with a physician in their office. To expedite this process, approval for a completed registration was granted in two days. The Board also offered postgraduate training residents, displaced by the hurricane, an opportunity to join a postgraduate training program in Kentucky by simply registering with the Board office. The response from Kentucky to this natural disaster was impressive on all accounts. The Board would like to thank the countless Kentucky physicians and medical professionals who selflessly volunteered their services to the Gulf Region in the aftermath of the storm.

Another issue that the Board addressed this year centered on the definition of "Immediate Family." Due to the number of recent cases reviewed by the Board's Inquiry Panels, the Board clarified their position on the matter by advising that

physicians shall not treat themselves or members of their immediate families except in emergencies. It is not appropriate for physicians to write prescriptions for controlled substances for themselves or immediate family members. In order to clarify the issue for physicians, the Board adopted the definition of immediate family as identified by federal statute.

The Board also addressed the issue of laser surgery by drafting new guidelines and a position statement. These guidelines were developed in order to assist physicians in the use of laser surgery and other dermatology procedures such as skin closures. Included in these guidelines is a new position statement on laser surgery and intense pulsed light therapy. In order to disseminate this information to physicians across the Commonwealth, the guidelines were included in the Board's newsletter and made available on our website.

The 2006 Legislative Session of the Kentucky General Assembly proved to be extremely active for the Board as there were numerous pieces of legislation introduced that involved the Board's oversight of medical and osteopathic physicians as well as the allied health professionals under the Board's authority. The Board's primary legislative proposal came in the form of SB 127, and was sponsored by Sen. Garry Tapp. The bill was approved by the General Assembly and most notably changed the practice of medicine without a license from a misdemeanor to a felony. This proposed change was well received by members of the General Assembly. In addition, the legislation included language clarifying the Board's faculty license and the procurement of medical records.

One issue the Board paid close attention to throughout the session was SB 65, which permits Advanced Registered Nurse Practitioners to prescribe, but not dispense controlled substances. The legislation does place certain limitations on their prescribing authority and created a Controlled Substance Formulary Development Committee to identify any further limitations for specific controlled substances. The Board was given the responsibility to appoint two physician members to this committee, with one of the physician members serving as the co-chair.

Legislators also gave the Board the new authority of certifying acupuncturists in the Commonwealth. HB 17 creates the Kentucky Acupuncturist Advisory Committee, made up of eight members appointed by the Board, and whose primary responsibility is to advise and provide recommendations to the Board on issues relating to acupuncture. The Board, at its June meeting, appointed the committee and began accepting applications in July of 2006. In other issues, the Board was involved in the major overhaul of the statutes governing certified athletic trainers. HB 651 passed in the closing days of the Legislative Session. Prior to the passage of this bill, the statutes governing athletic training had

basically remained unchanged since 1978. Physician Assistants were successful in amending their governing statutes by passing SB 78, which changes their status with the Board from certification to licensure.

Based on statistics compiled by the Public Citizens' Health Research Group, a health care consumer advocacy group in Washington, D.C., the Board remains one of the more active disciplinary boards in the country. In 2005 Kentucky ranked first in the number of serious disciplinary actions taken against physicians practicing in the state. The Board remains committed to the protection of the public by taking appropriate disciplinary action in a timely manner when violations of the Medical Practice Act occur.

State statute requires all physicians practicing in the state to renew their license by March 1st of each year to keep their license active. In an effort to make the license renewal process easier, the Board added an on-line renewal application to its website this past year. The on-line application was well received with over 65% of physicians utilizing the new service. Currently 9,652 physicians are registered in the state and another 3,785 physicians outside the state have an active license. Overall, there are a total of 13,437 physicians currently maintaining a Kentucky license.

The Board continues to emphasize the importance of continuing medical education by requiring all physicians maintaining a current Kentucky medical or osteopathic license to obtain 60 hours of continuing medical education for the current three-year cycle that concluded on December 31, 2005. Thirty of these hours must be in Category 1. The remaining 30 hours can be in Category 1 or may consist of non-supervised personal training activities designated as Category 2 CME hours. A total of 1,343 physicians practicing in the state were audited during this cycle. Of those audited, 466 physicians were granted 6 month extensions, 245 physicians were fined for not meeting the requirement, and 18 licenses were suspended. A new three-year cycle began on January 1, 2006.

In order to provide all licensed Kentucky physicians with updates regarding any changes to statutes, regulations or practice guidelines dealing with the practice of medicine, the Board publishes a quarterly newsletter. This newsletter is sent to all physicians with an active Kentucky license. The Board also uses this valuable resource to bring attention to matters commonly brought before the Board's Inquiry Panels. The newsletter also lists all disciplinary actions recently taken by the Board. As a service to all Kentucky hospitals, a listing of recent disciplinary actions is emailed on a monthly basis.

The Board's website, www.kbml.ky.gov continues to serve as a valuable resource to the Commonwealth's community and consumers. The site provides helpful information about the Board, policy statements and guidelines, a direct link to the state Medical Practice Act, administrative regulations and other information for physicians, physician assistants, athletic trainers, and surgical assistants. Consumers can download a grievance form and have access to a profile of all physicians, physician assistants and athletic trainers who hold an active license or certification as well as any Board action taken within the last ten years. Overall, the KBML website has continued to receive overwhelmingly positive acclaim from the medical community, consumers, media and various state and law enforcement agencies.

Support and funding of the Kentucky Physicians Health Foundation continues to be an emphasis of the Board. The primary purpose of this program is to provide the early identification, intervention, treatment and rehabilitation of physicians who may be impaired by reason of illness, alcohol or drug abuse, or as a result of a mental condition. Through the collaborative efforts of the Board and Burns M. Brady, M.D., Medical Director of the Foundation, many physicians have been rehabilitated and under proper supervision have been able to return to the active practice of medicine.

At the present time, the Board has an operating budget of over \$2 million. We receive no funds from the State's General Fund. All income to operate the Board's office is generated from fees charged to physicians, physician assistants, athletic trainers and surgical assistants. We currently have twenty full-time employees to carry out the Board's responsibilities, including our own legal department that handles disciplinary proceedings and other legal matters. For the past three years the Board's operating expenses have exceeded its revenue. To generate additional income, the Board has approved a \$25 increase in the annual license renewal fee and a \$50 increase in the initial license fee. Even with these increases, the Board's fees are still below the national average.

A summary of the various activities of the Board for the past fiscal year is attached. The report includes the number of meetings held by the Board and its advisory committees, the various licenses issued to physicians, physician assistants, athletic trainers and surgical assistants. Also attached are charts showing percentage breakdowns of the source and type of grievances filed against physicians. During the year a total of 244 grievances were filed against physicians practicing in the state.

This is a summary of some of the activities this Board has been involved with this past year. In closing, I would like to express my appreciation to the members of the Board and staff for their continued hard work and dedication

throughout the year. It continues to be an honor and privilege to serve the medical profession and citizens of the Commonwealth. While the tasks at hand may often times be challenging, the Board remains steadfast in its commitment to protect the public.

**Kentucky Board of Medical Licensure
Status Report - Fiscal Year 2006
Medical and Osteopathic Physicians**

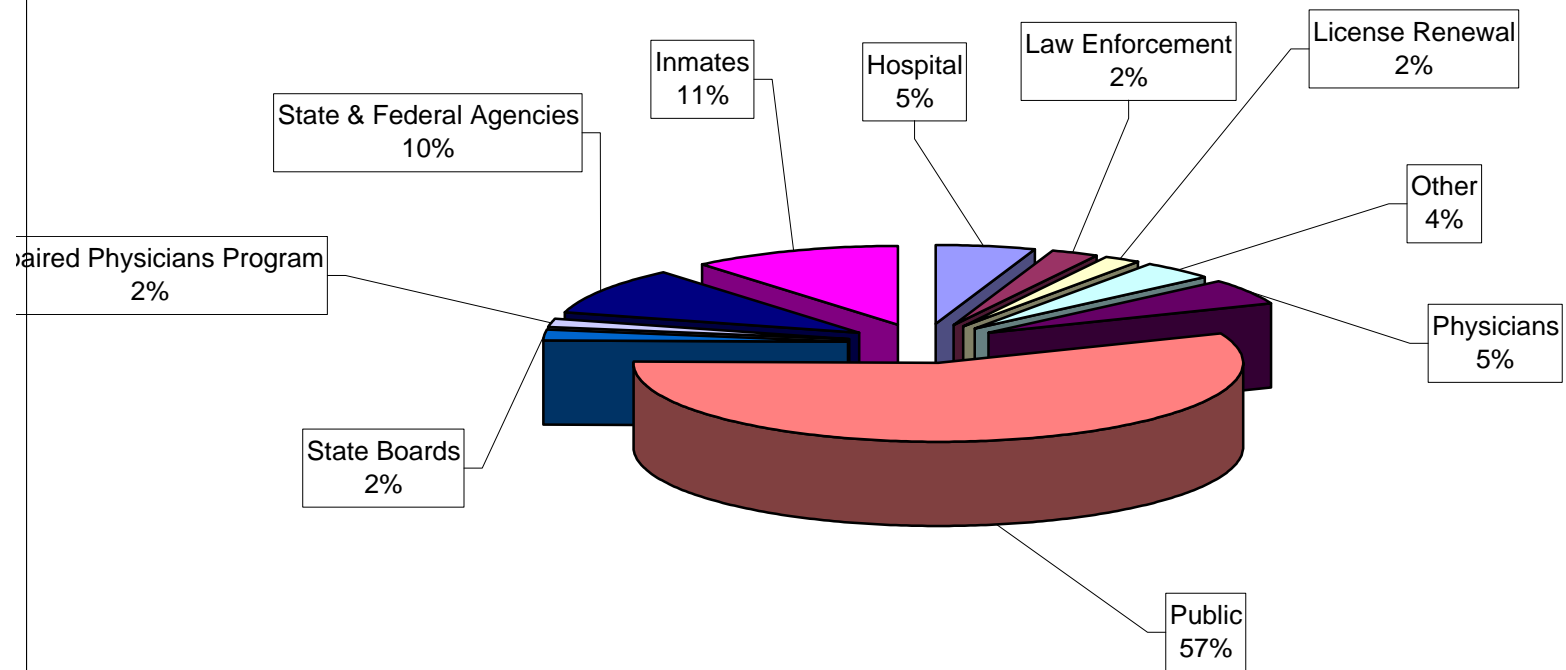
Meetings Held:	FY2006
Board of Medical Licensure	4
Inquiry/Hearing Panels	11
Services Provided:	
Renewals and Applications:	
Registered in State	9,652 *
Registered Out of State	3,785
Applications Approved for Initial Licensure	1,279
New Licenses Issued:	
Medical Licenses	698
Osteopathic Licenses	67
Temporary Permits	609
Residency Training	183
Institutional Practice Limited Licenses	49
Fellowship Training Limited License	9
Faculty License	3
Disposition of Grievances and Disciplinary Actions Taken:	
New Cases Opened	244
New Cases to Panels	193
New Cases Investigated	117
New Cases Pending	107
Malpractice Cases Reviewed	35
Disciplinary Proceedings Authorized	36
Complaints Issued	19
Emergency Orders of Suspension	6
Emergency Orders of Restriction	3
Actions Taken:	
Agreed Order of Indefinite Restriction	25
Agreed Order of Surrender	14
Agreed Order of Probation	2
Agreed Order of Revocation	4
Agreed Order of Forfeiture	1
Agreed Order of Suspension	3
Agreed Orders	8
Interim Agreed Orders	1
Order of Revocation	4
Order of Suspension	3
Orders Amended	29
Order of Indefinite Restriction	1
Letters of Agreement	8
Letters of Admonishment	20
Letters of Concern	36

* Includes retired physicians with a Kentucky mailing address.

**Kentucky Board of Medical Licensure
Status Report
Fiscal Year 2006**

Meetings Held:	FY2006
Physician Assistant Advisory Committee	4
State Council on Athletic Trainers	4
Surgical Assistant Advisory Committee	4
 Services Provided:	
Physician Assistants:	
Active	700
New	59
Athletic Trainers:	
Active	379
New	36
Surgical Assistants:	
Active	129
New	57

Source of Grievance
July 1, 2005 - June 30, 2006
244 Grievances



Type of Grievance
July 1, 2005 - June 30, 2006
244 Grievances

